

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

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| IN RE NEW ENGLAND COMPOUNDING                  | ) |  |
| PHARMACY, INC. PRODUCTS                        | ) | MDL No. 2419                                 |
| LIABILITY LITIGATION                           | ) |  |
| Plaintiffs,                                    | ) | Docket No. 1:13-md-2419 (RWZ)                |
|  | ) |  |
| This document relates to:                      | ) |  |
|  | ) |  |
| Armetta, et al. v. Box Hill Surgery Center,    | ) |  |
| LLC, et al.                                    | ) |  |
| No. 1:14-cv-14022-RWZ                          | ) |  |
|  | ) |  |
| Bowman, et al. v. Box Hill Surgery Center,     | ) |  |
| LLC, et al.                                    | ) |  |
| No. 1:14-cv-14028-RWZ                          | ) | <b><u>ORDER REGARDING DEFENDANTS</u></b>     |
|  | ) | <b><u>BOX HILL SURGERY CENTER, LLC,</u></b>  |
| Davis, et al. v. Box Hill Surgery Center, LLC, | ) | <b><u>RITU T. BHAMBHANI, M.D., AND</u></b>   |
| et al.   | ) | <b><u>RITU T. BHAMBHANI, M.D., LLC'S</u></b> |
| No. 1:14-cv-14033-RWZ                          | ) | <b><u>MOTION TO DISMISS COUNTS OF</u></b>    |
|  | ) | <b><u>STRICT LIABILITY, VIOLATION OF</u></b> |
| Dreisch, et al. v. Box Hill Surgery Center,    | ) | <b><u>MARYLAND CONSUMER</u></b>              |
| LLC, et al.                                    | ) | <b><u>PROTECTION ACT, VIOLATION OF</u></b>   |
| No. 1:14-cv-14029-RWZ                          | ) | <b><u>MASSACHUSETTS CONSUMER</u></b>         |
|  | ) | <b><u>PROTECTION LAW, AND PUNITIVE</u></b>   |
| Farthing, et al. v. Box Hill Surgery Center,   | ) | <b><u>DAMAGES</u></b>                        |
| LLC, et al.                                    | ) |  |
| No. 1:14-cv-14036-RWZ                          | ) |  |
|  | ) |  |
| Kashi, et al. v. Box Hill Surgery Center, LLC, | ) |  |
| et al.   | ) |  |
| No. 1:14-cv-14026-RWZ                          | ) |  |
|  | ) |  |
| Torbeck, et al. v. Box Hill Surgery Center,    | ) |  |
| LLC, et al.,                                   | ) |  |
| No. 1:14-cv-14023-RWZ                          | ) |  |
|  | ) |  |
| Handy v. Box Hill Surgery Center, LLC, et al.  | ) |  |
| No. 1:14-cv-14019-RWZ                          | ) |  |
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ORDER

UPON CONSIDERATION of Defendants' Box Hill Surgery Center, LLC, Ritu T. Bhambhani, M.D., and Ritu T. Bhambhani, M.D., LLC's Motions to Dismiss the Claims of Strict Liability, Violation of Maryland Consumer Protection Act, Violation of Massachusetts Consumer Protection Law, and Punitive Damages in the above-captioned actions and Plaintiffs' Opposition to Defendants' Motions to Dismiss the stated Claims, it is hereby this \_\_\_\_\_ day of \_\_\_\_\_, 2015, ORDERED that:

- (1) Defendants' Motions to Dismiss as to claims for Strict Liability are hereby DENIED;
- (2) Defendants' Motions to Dismiss as to claims for Violation of Maryland Consumer Protection Act are hereby DENIED;
- (3) Defendants' Motions to Dismiss as to claims for Violation of Massachusetts Consumer Protection Law are hereby DENIED;
- (4) Defendants' Motions to Dismiss as to claims for Punitive Damages are hereby DENIED.

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The Honorable Rya W. Zobel  
U.S. District Court, District of Massachusetts

cc: Patricia Kasputys  
Sharon Houston  
Michael Coren  
Gregory K. Kirby